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Attorneys for Defendants
EXPONENTIAL INTERACTIVE, INC.
And JOHN RETTIG

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

OBJECTIVITY, INC., a corporation,

Plaintiff,

v.

EXPONENTIAL INTERACTIVE, INC., a
corporation, and JOHN RETTIG, an
individual,

Defendants.

Case No. 3:14-cv-01434-EMC

**STIPULATION TO EXTEND TIME TO
FILE AMENDED COUNTERCLAIM**

WHEREAS:

- A. Plaintiff Objectivity, Inc. ("Plaintiff") and Defendants Exponential Interactive, Inc., and John Rettig (collectively, "Defendants"), and also counter defendants Gary Lewis, Kim Wizer, and Richard Shelley ("Counter Defendants"), have agreed to settle this Action in its entirety and are in the process of finalizing said settlement; and
- B. Defendants were granted leave to file any amended Counterclaim on or before April

23, 2015 pursuant to this Court's minute Order dated April 2, 2015;

C. Defendants filed a counterclaim on April 8, 2015;

D. Plaintiff and Cross Defendants assert that by filing the counterclaim on April 8, 2015 Defendants exercised their right to file a counterclaim under the April 2, 2015 order, and that Defendants are not authorized to file any further counterclaim;

E. Defendants assert that they are entitled to file an amended counterclaim under the April 2, 2015 order, in addition to the counterclaim already filed;

F. Notwithstanding their disagreement, described above, with regard to whether or not Defendants are permitted to file a further counterclaim, and with Plaintiff and Counter Defendants reserving their rights to challenge the validity of any further filing, Plaintiff and Defendants and Counter Defendants agree to extend until April 30, 2015 the time allowed in the order of April 2, 2015 to file amended counterclaims, in order to facilitate the finalization of the settlement of this matter;

NOW THEREFORE, IT IS HEREBY STIPULATED by and between Plaintiff and Counter Defendants, of the one part, and Defendants, of the other part, through their undersigned counsel, that the deadline for Defendants to file any amended Counterclaim may be extended until and including April 30, 2015.

DATED: April 23, 2015

CARR & FERRELL, LLP

By: /s/ Stuart Clark
Stuart C. Clark, Esq.
Attorneys for Plaintiff and Counter Defendants
OBJECTIVITY, INC., GARY LEWIS, KIM WIZER,
and RICHARD SHELLEY

DATED: April 23, 2015

KAUFMAN DOLOWICH & VOLUCK, LLP

By: /s/ Mark Mao
Hsiao C. (Mark) Mao, Esq.
Elizabeth Yang, Esq.
Jonathan H. Yee, Esq.
Attorneys for Defendants
EXPONENTIAL INTERACTIVE, INC. and JOHN
RETTIG

1 IT IS SO ORDERED.

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3 Dated: April ²⁷, 2015

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